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July 25, 2014

***Via E-Mail & U.S. Mail***

Charles D. Sakai, Esq.  
Renne, Sloan, Holtzman & Sakai  
350 Sansome Street, Suite 300  
San Francisco, CA 94104

**Re: IFPTE Local 21 and City of San Jose  
(Retirement Board Governance)**

Dear Charles:

Your letter today only reiterates the absurdity of the City's proposal as discussed previously, but not addressed by your letter, in correspondence from me, on behalf of IAFF, Local 230 to Alex Gurza. Principally, you assert that the bulk of this charter amendment proposal is not a change in the status quo.

But then why is the proposal being advanced in the first place?

What is the "context" you refer to on page 2 of 3 in your letter concerning the need for proposed Sections 810(a) and 810(b)?

You state that proposed Section 810(d) "is not intended to modify the retirement boards' authority with respect to expenditures impacting employee rates." But that expression of intent is not in the language of proposed Section 810(d).

Except for your explanation that Section 1001.1(d)(2) is required to permit the Salary Setting Commission to recommend the stipend to be paid to non-City employees who sit on the retirement boards, you say there is no other change to existing Council power by this proposed charter amendment justifying the expense required to secure its adoption by the voters.

If the amendment is placed on the ballot, what will the Council list as the reason(s), need(s) or justification(s) to the voters for this proposal?

The City is expending a lot of precious time and money on this matter, and as evidenced by your letter, but for the provision relating to the Salary Setting Commission, for no good or necessary reason. (And on this point, Local 21 believes that City employee representatives should also receive a stipend for attendance and related work as Board representatives. First, release time may not be necessarily required for City employee representatives to attend Board meetings. Second, there is no reason to discriminate between Board members – for example, there is no reason to believe that non-City employee representatives are not receiving compensation from their professions while attending Board meetings, regardless of the source of the compensation.)

Your letter fails to respond to my specific concern that proposed Section 810.1(c) contains a different standard than that set forth in the Civil Service Rules. The proposal should be modified to clearly incorporate the cause standard in those rules.

Your letter also fails to discuss or respond to the reasons articulated by IAFF, Local 230 and the SJPOA supporting the view that the proposal is both subject to bargaining under law, and otherwise fails entirely to address the real proposals advanced by the Cortex studies and recommendations (paid for by both the City and by the Plans) and endorsed by the existing Boards of Administration.

Given the above, Local 21 reiterates its request to meet and confer over this proposed Charter Amendment that apparently is proposed for purely political reasons, unrelated to the matters identified in the language of the proposal.

Very truly yours,



CHRISTOPHER E. PLATTEN

cc: Lamoin Werlein-Jaen, IFPTE Local 21